

# WHEAT MARKETING COMMISSION

## CHAPTER ~~XXXVIII~~ 1

### ~~WYOMING WHEAT COMMISSION~~

#### WHEAT ASSESSMENT, COLLECTION AND REFUNDS

##### Section 1. Authority.

Pursuant to ~~W.S. 11-38-101 through 11-38-110, by virtue of Sections 11-38-101 through 11-38-110, Wyoming Statutes 1977, as amended and the authority provided by W.S. 11-38-104(b)(xi) and the Wyoming Administrative Procedures Act, Sections 16-3-101 through 16-3-115, Wyoming Statutes 1977, as amended,~~ the following ~~regulations~~ rules pertaining to assessment, collection and refunds by the Wyoming Wheat Commission are hereby promulgated and adopted.

##### Section 2. Assessment.

(a) ~~The Wheat Commission shall assess~~ Wyoming wheat is assessed in the amount of ~~one cent (\$0.01) one and three-quarters cents (\$0.0175)~~ per bushel ~~by virtue of its authority as vested in Section 11-38-108.~~

(b) There shall be no delineation as to crop year in the ~~initial~~ assessment of Wyoming wheat. “Wyoming wheat” shall mean wheat grown in the state of Wyoming at any time, provided that wheat originating from any state that collects a similar levy upon wheat, but bases assessment upon the location of the first sale taking place within its jurisdiction shall be treated as if the wheat were grown within the state of Wyoming, being first handled by a Wyoming handler and shall be subject to assessment after July 1, 1975.

~~(c) Future adjustments to the assessment rate shall be made effective on a given date as determined by the Wheat Commission and shall include any and all wheat transactions on and after said date.~~

~~(d)~~ (c) Forms for ~~recording~~ remitting the assessment shall be provided by the Wheat Marketing Commission.

### Section 3. Collection.

(a) The collection of the wheat assessment shall be ~~made~~ recorded on forms ~~prescribed by~~ acceptable to the Wheat Marketing Commission.

(b) ~~The h~~Handlers shall remit ~~to the Wheat Commission~~ all collected assessments by the 15th of ~~each the~~ month next succeeding the quarter in which the wheat is sold or contracted in commercial channels. Any and all monies collected ~~between the 15th of the preceding month and the 14th of the present month~~ shall be remitted to the Wheat Marketing Commission. No assessment may be retained by the handler for ~~a period~~ longer than ~~thirty one (31)~~ one-hundred-seven (107) days.

(c) ~~At the time of assessment~~ The handler shall present a receipt ~~shall be presented by the handler~~ to the grower at the time of sale. A settlement sheet that has a line item delineating only the Wyoming wheat assessment shall be deemed a receipt.

(d) The grower may apply ~~to the Wheat Commission Office~~ for a Wheat Assessment Refund at the Office of the Wheat Marketing Commission. Refund Application forms must be submitted not less than thirty (30) nor more than ~~within~~ ninety (90) days ~~after~~ from the date of sale.

### Section 4. Refunds.

(a) ~~Any person, or persons,~~ who ~~have~~ has paid the prescribed assessment ~~shall be is~~ entitled to a prompt refund of the contribution, ~~as provided for in the law, upon presentation of the proper documentation not less than thirty (30) nor more than ninety (90) days from date of sale.~~

(b) No refund application ~~shall~~ will be accepted after the ninety (90) days have elapsed. ~~and said n~~Ninety (90) days shall be deemed to have elapsed at 12:00 midnight on the ninetieth (90th) day. A valid postmark shall be used to determine the ~~validity date of submission~~ of the refund application ~~within the allotted time period~~.

(c) Payment of a refund ~~shall~~ will be made promptly after the contribution receipt of said assessment has been received ~~by the Wheat Commission~~ from the ~~appropriate~~ handler ~~involved with~~ which collected the initial assessment.

(d) Only forms provided by the Wheat Marketing Commission ~~shall~~ will be used accepted. ~~Handlers will be held accountable for all forms they issued by them to the Wheat Marketing Commission.~~

(e) The Wheat Marketing Commission may refuse payment of ~~a refund claim when said claim is in doubt~~ doubtful claims. ~~It shall be necessary for c~~Claimants must to provide all information ~~as~~ deemed necessary by the Wheat Marketing Commission before payment ~~is~~ will be made.

(f) ~~Any~~ person may ~~petition~~ request a hearing on a denied refund claim before the Wheat Marketing Commission ~~over a refund claim~~.

(g) Contested cases ~~shall~~ will be heard only at regularly scheduled meetings of the Wheat Marketing Commission ~~meetings~~. The procedure ~~used~~ for a contested case shall be ~~that~~ as outlined in W.S. Section 16-3-107 ~~of the Wyoming Administrative Procedures Act~~.

## Section 5. Enforcement.

The Wheat Marketing Commission shall take ~~the~~ appropriate action ~~that it deems necessary~~ when ~~the prescribed these~~ regulations are not followed. ~~The Wyoming Administrative Procedures Act, Sections 16-3-101 through 16-3-115, Wyoming Statutes 1977, as amended, shall be used in such action.~~